

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL THREET,

No. 14-13345

v.

District Judge Bernard A. Friedman  
Magistrate Judge R. Steven Whalen

D. PHILLIPS, ET AL.,

Defendants.

/

**ORDER**

Plaintiff is a *pro se* prison inmate who has filed a civil complaint pursuant to 42 U.S.C. §1983. Currently before the Court is Plaintiff's "Motion to Request Appointment of Counsel" [Docket #77] and Defendants Noah Brunner, John Hurst, David Phillips, and James Richardson's ("Defendants") "Motion for Enlargement of Time to Respond to Plaintiff's Motion for Summary Judgment" [Docket #79].

Plaintiff has made four previous motions for counsel which have been denied without prejudice. *Docket #19, 23, 29, 32, 49, 56, 61, 68*. Likewise, in the present motion, he has not alleged circumstances which would justify granting the motion for counsel at this time. Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. The dispositive motion cut-off date is October 15, 2016. Plaintiff's motion to appoint counsel is thus premature. If his claims ultimately survive dispositive motions or other forms of dismissal, he may renew his motion for appointment of counsel at that time.

**IT IS HEREBY ORDERED** that Plaintiff's motion for appointment of counsel [Docket #77] is **DENIED WITHOUT PREJUDICE**.

Defendants' motion for an extension of time to September 20, 2016 to respond to Plaintiff's summary judgment motion [Docket #79] is **GRANTED**.

**IT IS SO ORDERED.**

s/ R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: September 8, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was sent to parties of record on September 8, 2016, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the

Honorable R. Steven Whalen